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EXECUTIVE SECRETARY

June 2, 1999

K. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37219

Re: *Third Party Testing of BellSouth's Operational Support Systems*  
Docket No. 99-00347

Dear David:

Enclosed for filing are the original and thirteen copies of a Petition to Intervene and Comments of NEXTLINK, Tennessee ("NEXTLINK") in the above-captioned proceeding.

Thank you for your attention to this matter.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:   
Henry Walker

HW/th

Enclosures

cc: All Parties of Record

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE: Third Party Testing of BellSouth's Operational Support Systems  
Docket No. 99-00347**

**PETITION OF NEXTLINK, TENNESSEE, INC. ("NEXTLINK")  
FOR LEAVE TO INTERVENE**

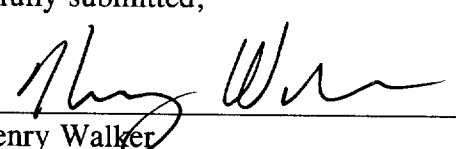
NEXTLINK, Tennessee, Inc. ("NEXTLINK") pursuant to Tennessee Code Annotated Section 4-5-310, petitions the Tennessee Regulatory Authority (the "TRA") for leave to intervene in the above-referenced proceeding and participate as its interests may appear and in support of its Petition has filed comments herewith. The comments describe more particularly NEXTLINK's interest in this proceeding.

NEXTLINK requests the TRA to grant its intervention petition, to participate in this proceeding with all attendant rights and responsibilities, to receive copies of any notices, or orders, or any other dockets filed herein, and to have such other, further and general relief as the justice of its causes may entitle it to receive.

Dated this 2nd day of June, 1999.

Respectfully submitted,

By: \_\_\_\_\_


  
Henry Walker  
Boult, Cummings, Conners & Berry, PLC  
414 Union Street, Suite 1600  
Nashville, Tennessee 37219

Counsel for NEXTLINK

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing has been hand delivered or mailed to the following persons on the 2nd day of June, 1999.

Jim Lamoureux  
AT&T of the South Central States  
1200 Peachtree Street, NE  
Room 8068  
Atlanta, Georgia 30309

  
\_\_\_\_\_  
Henry Walker

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE: Third Party Testing of BellSouth's Operational Support Systems  
Docket No. 99-00347**

**COMMENTS OF NEXTLINK TENNESSEE, INC.**

NEXTLINK Tennessee, Inc. ("NEXTLINK") supports the petition filed by AT&T Communications of the Southern States, Inc. ("AT&T") for the Establishment of a Third-Party Testing Program of Operational Support Systems.

The Federal Communications Commission ("FCC") has repeatedly held that The Operational Support Systems ("OSS") offered by BellSouth Telecommunications Inc. ("BellSouth") to competitive local exchange carriers fail to meet the FCC's criteria promulgated under Section 271 of the Telecommunications Act of 1996.

But since BellSouth has now withdrawn its Section 271 application in Tennessee, there is no current incentive for BellSouth to improve its OSS to meet the FCC's standards. In these circumstances, the progress Tennessee has made toward fully competitive, local markets may stagnate unless the Tennessee Regulatory Authority ("TRA"), acting under state law, takes a proactive role on this issue.

The opening of competition should not be controlled by the timing of BellSouth's attempts to enter the inter-LATA market. Whether BellSouth refiles its Section 271 application next month - or two years from now - the TRA has an affirmative obligation under state law to move forward

in the promotion of competition. *See* T.C.A. § 65-4-123. The TRA has explicit jurisdiction over all "features, functions, and services" offered by BellSouth to its competitors. T.C.A. § 65-4-124. One readily available method of insuring that these services are provided on a "non-discriminatory" basis, as required by state law, is to order independent, third party testing of BellSouth's OSS, as proposed by AT&T. The result would provide the TRA with an independent assessment of what BellSouth has done, and what remains yet to be done, to open the local markets. The TRA can then take action to further competition without waiting for BellSouth to decide when and if to refile its Section 271 application.

The best way to accomplish this would be to open a "show cause" proceeding under T.C. A. § 65-2-106, directing BellSouth to make its OSS available for third party testing. The FCC's previous findings that BellSouth does not offer OSS to its competitors that is equal to BellSouth's internal operational support systems provide a more than adequate factual basis to initiate such a proceeding.

Respectfully submitted,

By: \_\_\_\_\_



Henry Walker  
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414 Union Street, Suite 1600  
Nashville, Tennessee 37219

By: \_\_\_\_\_



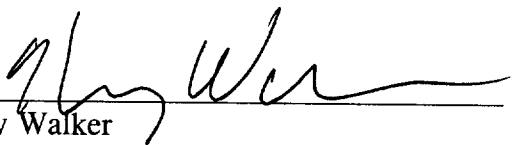
Dana Shaffer  
105 Molloy Street  
Nashville, Tennessee 37201

Attorneys for NEXTLINK

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